

CALIFORNIA STATE PERSONNEL BOARD MEETING
801 Capitol Mall
Sacramento, California

Public Session Location - Room 150

Closed Session Location - Room 141

MID-MONTH MEETING MINUTES*

MAY 18, 2004

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

Board Members Present:

William Elkins, President
Ron Alvarado, Vice President
Maeley Tom, Member

2. REPORT OF THE EXECUTIVE OFFICER - Laura Aguilera
Interim Executive Officer, State Personnel Board

The Board was advised of the following:

- A. The State Personnel Board (SPB) commemorates the 50-year anniversary of the landmark Supreme court decision in Brown v. Board of Education which declared the doctrine of "separate but equal" education for blacks and whites was unconstitutional. The decision marked the beginning of a civil rights movement that led to racial protections in public accommodations, voting rights, housing and employment. California, the most diverse state in the nation, led the way to ending legal segregation in a 1945 decision, Mendez v Westminster School District. Gonzalo and Felicitas Mendez challenged the fairness of similar laws for Mexican-American schoolchildren in Orange County schools.

* The Minutes for the Board can be obtained at the following Internet address:
<http://www.spb.ca.gov/calendar.htm>

- B. The Assembly budget committee voted to restore 5.2 positions and \$600 thousand dollars in proposed General fund cuts. As part of the May revise, the Department of Finance proposed increasing reimbursements by \$549,000 and added 5.5 positions to address workload issues in various programs operated by SPB.
- C. The Department of Motor Vehicles sent a letter of appreciation for the assistance of SPB in their recent administration of the Motor Vehicle Field Representative examination. Exam Services and Information Systems/Data processing unit staff were acknowledged for going out of their way to assist the department with their hiring needs. Daisy McKenzie, Rosie Jauregui, Julia Shelmire, Victor Mendoza, Steve Martinez, Manny Vargas and Steve Brown were each presented with a certificate of recognition and the thanks of the Executive Officer and a grateful Board.

3. REPORT OF THE CHIEF COUNSEL – Elise Rose

The Chief Counsel reported on the following:

- A. State Personnel Board v. Department of Personnel Administration/California State Employees Association (post and bid) - State Personnel Board (SPB) filed Reply brief in Supreme Court last week.
- B. California Department of Corrections v. State Personnel Board (Sulier) - Appellant Sulier has filed notice of appeal in this case in which trial court overturned SPB's precedential decision. SPB had held letter of intent to file notice of adverse action served within the 1 year statute of limitations is insufficient to comply with law that requires an agency to "notify the public safety officer of its proposed disciplinary action within [one] year." SPB had held that formal notice of adverse action must be served within 1 year. Trial court held the letter of intent was sufficient.
- C. George Reynolds v. State Personnel Board - Superior court denied petition for writ of mandate seeking to overturn settlement.
- D. California Highway Patrol (CHP) v. State Personnel Board (Dewey Anderson) - Superior court denied CHP's writ seeking to overturn SPB's overturning of dismissal.

4. NEW BUSINESS

No new business.

5. REPORT ON LEGISLATION – Sherry Hicks

- A. AB 2275 (Dymally), the Board's sponsored bill on Equal Employment Opportunity is on the suspense file in the Assembly Appropriations Committee. The Committee will be taking action on this legislation on May 19, 2004. The staff continues to work with the Appropriations Committee regarding costs that were identified by the Committee.
- B. Board staff continues to work with the sponsor's of AB 2408 (Yee), a bill that deals with the Dymally-Alatorre Act, to come to agreement on language that will not require an additional workload on Board staff.
- C. The Interim Executive Officer and Director of Legislation met with legislative staff regarding issues on the Board's budget.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

6. DELIBERATION ON ADVERSE ACTION, DISCRIMINATION COMPLAINT, AND OTHER PROPOSED DECISIONS SUBMITTED BY THE ADMINISTRATIVE LAW JUDGES

The Board deliberated and voted on matters submitted at prior hearings; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by the administrative law judges of the State Personnel Board or by the Board itself. (See items 13 A, D, and E in the agenda and below.)[Government Code Sections 11126(d), and 18653.]

7. PENDING LITIGATION

As discussion of pending litigation in open session would be prejudicial, the Board conducted closed session conferences with legal counsel and received advice as necessary regarding pending litigation as listed in the agenda. [Government Code Sections 11126(e)(1) and 18653.]

8. RECOMMENDATIONS TO THE LEGISLATURE

The Board deliberated on recommendations to the Legislature as listed in the agenda. [Government Code Section 18653.]

9. RECOMMENDATIONS TO THE GOVERNOR

The Board deliberated on recommendations to the Governor as listed in the agenda. [Government Code Section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

10. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF JUNE 8-9, 2004, SACRAMENTO, CALIFORNIA.

BOARD ACTIONS

11. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF May 4-5, 2004

ACTION: Adopted on May 18, 2004
VOTE: Elkins, Alvarado, Tom – Aye

12. ACTION ON SUBMITTED ITEMS
(See Minutes Page 18)

13. EVIDENTIARY CASES

The Board Administrative Law Judges conduct Evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These cases have been taken under submission by the State Personnel Board at a prior meeting. On May 18, 2004, the Board adopted by majority vote (Elkins, Alvarado, and Tom), in the cases indicated below, the following decisions presented by Elise Rose, Chief Counsel, State Personnel Board.

DORYANNA ANDERSON-JOHNSON, CASE NO. 00-1687A
Appeal from denial of reasonable accommodation Correctional
Lieutenant
California Rehabilitation Center - Norco
Department of Corrections
NO ACTION

RICHARD COELHO, CASE NO. 02-1796R
Appeal from constructive medical termination
Fish and Game Warden
Department of Fish and Game
NO ACTION

ROSIE L. DASHIELL, CASE NO. 03-2279
Appeal from dismissal
Public Safety Dispatcher I
California Highway Patrol
NO ACTION

RANDALL DODSON, Case No. 03-1587
Appeal from non-punitive termination
Caltrans Equipment Operator I
Department of Transportation
NO ACTION

CYNTHIA GEORGE, CASE NO. 03-2494
Appeal from suspension
Administrative Law Judge I
Unemployment Insurance Appeals Board
NO ACTION

PAUL H. KEMP, Case No. 01-2841
Appeal from dismissal
Teacher Assistant - Youth Correctional
Reception Center and Clinic - Sacramento
Department of the Youth Authority
NO ACTION

NEIL MADDEN, CASE NO. 03- 1682
Appeal from five percent reduction
in salary for three months
Correctional Officer
Centinela State Prison – Imperial
Department of Corrections
ACTION: Board revokes 5% salary reduction for 3 months.

CHRISTOPHER MIRAMONTES, CASE NO. 03-2299
Appeal from five-percent reduction in
salary for six months
Special Agent
Department of Corrections
NO ACTION

ALICE VAN-THU, CASE NO. 03-0413
Appeal from automatic resignation
Administrative Support Coordinator I
California State University – Monterey Bay
NO ACTION

PHUONG VU, CASE NO. 03-1145
Appeal from dismissal
Transportation Engineer (Civil)
Department of Transportation
NO ACTION

BEVERLY WILSON, CASE NO. 03-1150A
Appeal from dismissal
Administrative Support Assistant II
California State University - Carson
NO ACTION

B. CASES PENDING

Oral Arguments

These cases were on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

NONE

C. CHIEF COUNSEL RESOLUTIONS

Court Remands

These cases have been remanded to the Board by the court for further Board action.

NONE

Stipulations

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

Proposed Decisions

These are ALJ proposed decisions submitted to the Board for the first time. On May 18, 2004, the Board adopted by majority vote (Elkins, Alvarado, and Tom), in the cases indicated below, the following decisions presented by Elise Rose, Chief Counsel, State Personnel Board.

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VaMONICA BAKER, CASE NO. 02-3896

Appeal from dismissal

Motor Vehicle Field Representative

Department of Motor Vehicles

ACTION: Dismissal modified to six months suspension.

Consolidated with:

BARBARA HIGHTOWER, CASE NO. 02-3970

Appeal from ten-percent reduction in salary for six months

Motor Vehicle Field Representative

ACTION: Ten-percent reduction in salary revoked.

Consolidated with:

DARLENE SOLOMON, CASE NO. 02-4018

Appeal from ten-percent reduction in salary for six months

Motor Vehicle Field Representative

Department of Motor Vehicles

ACTION: Ten-percent reduction in salary revoked.

DANNY BOYD, CASE NO. 03-1537

Appeal from dismissal

Youth Correctional Officer

California Youth Authority - Chino

ACTION: Dismissal sustained.

PAUL A. FULLER, CASE NO. 04-0505

Appeal from formal reprimand

Correctional Sergeant

California State Prison – Blythe

Department of Corrections

ACTION: Formal reprimand revoked.

HUGO LANDEROS, CASE NO. 03-3190

Appeal from dismissal

Employment Program Representative

Employment Development Department

ACTION: Administrative Law Judge's proposed decision rejected by Board. Board to decide case itself.

NICHOLAS LEON, CASE NO. 03-2097

Appeal from official reprimand

Correctional Sergeant

California State Prison – Avenal

Department of Corrections

ACTION: Official reprimand sustained.

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KIM RITTENHOUSE, CASE NO. 03-3541 & 03-3542E
Appeal from denial of reasonable accommodation and from
constructive medical termination
Office Technician (General)
Department of Fish and Game
ACTION: Administrative Law Judge's proposed decision rejected
by Board. Board to decide case itself.

PEARLIE BLEDSOE-TOWNES, Case No. 03-2966E
Appeal from denial of request for reasonable accommodation
Correctional Sergeant
Central California Women's Facility - Chowchilla
Department of Corrections
ACTION: Administrative Law Judge's proposed decision rejected
by Board. Board to decide case itself.

LOYD TRACY, CASE NO. 03-3059
Appeal from discrimination complaint
Associate Governmental Program Analyst
State Water Resources Control Board
ACTION: Appeal from discrimination denied.

KAVEN "KJ" YOUNG, CASE NO. 03-2901
Appeal from 10-working-days suspension
Sergeant
California Highway Patrol
ACTION: 10-working-days suspension sustained.

Proposed Decisions Taken Under Submission At Prior Meeting

These are ALJ proposed decisions taken under submission at a
prior Board meeting, for lack of majority vote or other reason.

NONE

Proposed Decisions After Board Remand

NONE

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Proposed Decisions After SPB Arbitration

STEPHANIE HELMS, CASE NO. 04-0666
Appeal from three-working-days suspension
Officer
California Highway Patrol
NO ACTION

VICTOR VASQUEZ, CASE NO. 04-0258
Appeal from five-day suspension
Officer
California Highway Patrol
NO ACTION

E. PETITIONS FOR REHEARING

ALJ Proposed Decisions Adopted By The Board

The Board voted by majority vote (Elkins, Alavardo, and Tom) to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

MICHELLE DAWKINS, CASE NO. 03-2755
Appeal from demotion
Fiscal Services Supervisor to
Typist Clerk III
Human Services Agency, Merced County
ACTION: Petition for rehearing filed by appellant granted.

JAMES MENA, CASE NO. 03-1174
Appeal from whistleblower retaliation
Teacher (High School-Physical Education)
Department of the Youth Authority – Paso Robles
ACTION: Petition for rehearing filed by appellant denied.

KEVIN REDDINGTON, CASE NO. 03-2646 & 04-0386
Appeal from ten-percent reduction in salary for six pay periods, and dismissal
Office Technician (Typing)
Department of Forestry and Fire Protection
ACTION: Petition for rehearing filed by appellant granted.

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TIFFANI THOMAS, CASE NO. 03-2398P

Appeal from demotion

Office Services Supervisor I (General)

California State Prison – Folsom

Department of Corrections

ACTION: Petition for rehearing filed by appellant denied.

DENNIS UYEDA, CASE NO. 03-2396P

Appeal from five-working-days suspension

Latent Print Analyst II

Department of Justice

Petition for rehearing filed by appellant to be granted or denied.

ACTION: Petition for rehearing filed by appellant granted.

Whistleblower Notice of Findings

These cases were before the Board for a vote on a petition for hearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

TIMOTHY BOBITT, CASE NO. 02-2856

Appeal from suspension

Senior Special Agent in Charge

Department of Justice

NO ACTION

ANDREW CIRNER, CASE NO. 03-2241E

Appeal from denial of request for
reasonable accommodation

Senior Psychiatric Technician

Department of Mental Health

NO ACTION

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NICHOLAS COMAITES, CASE NO. 03-0062

Appeal from official reprimand

Correctional Counselor II

Department of Corrections

AND

PAUL WARD, CASE NO.03-0332

Appeal from official reprimand

Correctional Administrator

Department of Corrections

NO ACTION

SHANNON FROEMING, CASE NO.03-2871E

Appeal from denial of request for reasonable accommodation

Employment Program Representative

Employment Development Department

NO ACTION

RONALD GALI, CASE NO. 03-0462

Appeal from dismissal

Native American Spiritual Leader

Folsom State Prison - Represa

Department of Corrections

NO ACTION

MARY HUTTNER, CASE NO. 02-1690

Appeal from demotion

Staff Services Manager I to the

position of Associate Health Program

Advisor (top step)

Department of Health Services

NO ACTION

CONNIE JAMES, CASE NO. 03-3136

Appeal from 15-working days

suspension

Accounting Technician

Employment Development Department

NO ACTION

CONNIE JOHNSON, CASE NO. 03-2620

Appeal from 30-calendar days suspension

Employment Program Representative

Employment Development Department

NO ACTION

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JENNIFER KILL, CASE NO. 02-2164B
Appeal for determination of back salary,
benefits and interest
Supervising Cook
California Correctional Institution - Tehachapi
Department of Corrections
NO ACTION

DONNA MARTINEZ, CASE NO. 03-2232
Appeal from dismissal
Material & Stores Supervisor I
Central California Women's Facility,
Department of Corrections
NO ACTION

RAY MARTINEZ, CASE NO. 03-3344
Appeal from dismissal
Correctional Officer
Substance Abuse Treatment Facility – Corcoran
Department of Corrections
NO ACTION

JACQUELYN McCARVER, CASE NO. 03-0669
Appeal from demotion
Correctional Sergeant
Rainbow Conservation Center - Fallbrook
Department of Corrections
NO ACTION

MARGARET A. MEJIA, CASE NO. 03-1848
Appeal from dismissal
Psychiatric Technician (Safety)
Department of Mental Health
NO ACTION

MARYLAND PAGE, CASE NO. 03-3703
Appeal from five-percent reduction in
salary for twelve-months
Correctional Officer
Ironwood State Prison - Blythe
Department of Corrections
NO ACTION

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LEIJANE OGAWA, CASE NO. 03-2943E

Appeal from discrimination
Office Assistant (General)
Department of Transportation
NO ACTION

VIRGINIA PARKER, CASE NO. 03-0325

Appeal from demotion
Correctional Lieutenant
Ironwood State Prison – Blythe
Department of Corrections
NO ACTION

NANCY VALENTINO, Case No. 03-0699

Appeal from dismissal
Psychiatric Technician
Department of Developmental Services
NO ACTION

BOBBY WANG, CASE NO. 02-2684

Appeal from dismissal
Motor Vehicle Field Representative
Department of Motor Vehicles
Appeal was withdrawn prior to Board meeting.

GARY S. WHALEY, CASE NO. 03-1420E

Appeal from discrimination
Employment Program Representative
Employment Development Department
NO ACTION

14. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE
SECTION 18671.1 EXTENSION
(See Minutes Pages 24-25)

15. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

On May 18, 2004, the Board adopted by majority vote (Elkins, Alvarado, and Tom) the following decisions presented by Laura Aguilera, Interim Director, State Personnel Board.

JALEEL BORDERS, CASE NO. 03-2483
Correctional Officer
Department of Corrections
ACTION: DENIED

CARLOS CAMPA, CASE NO. 03-0843
Correctional Officer
Department of Corrections
ACTION: GRANTED

ROY DIXON, CASE NO. 03-1846
Correctional Officer
Department of Corrections
ACTION: DENIED

WARREN ELLISON, CASE NO. 03-2176
Correctional Officer
Department of Corrections
ACTION: DENIED

RICHARD GALBRAITH, CASE NO. 03-1915
Correctional Officer
Department of Corrections
ACTION: DENIED

GEORGE GEORGE, CASE NO. 03-2355
Youth Correctional Officer
California Youth Authority
ACTION: DENIED

STEVEN HESSE, CASE NO. 03-2366
Correctional Officer
Department of Corrections
ACTION: DENIED

GILES LAUREN, CASE NO. 03-2018
Correctional Officer
Department of Corrections
ACTION: DENIED

RUDY LOPEZ, CASE NO. 03-2366
Senior Transportation Surveyor
Department of transportation
ACTION: DENIED

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MARITZA MAR, CASE NO. 03-2149

Correctional Officer

Department of Corrections

ACTION: DENIED

JUAN MARTINEZ, CASE NO. 03-2258

Correctional Officer

Department of Corrections

ACTION: GRANTED

JAMEKA MATTINGLY, CASE NO. 03-2258

Correctional Officer

Department of Corrections

ACTION: DENIED

TREVA MAZIQUE, CASE NO. 03-2367

Correctional Officer

Department of Corrections

ACTION: DENIED

ZACHARIAH MCCORMACK, CASE NO. 03-2264

Correctional Officer

Department of Corrections

ACTION: DENIED

JOHN MCDANIEL, CASE NO. 03-1729

Cadet, CHP

California Highway Patrol

ACTION: DENIED

KRISTINE MCDOWELL, CASE NO. 03-1721

Cadet, CHP

California Highway Patrol

ACTION: DENIED

ALFRED PATTERSON, CASE NO. 03-1733

Correctional Officer

Department of Corrections

ACTION: DENIED

MAXIMO POLANCO, CASE NO. 03-1824

Correctional Officer

Department of Corrections

ACTION: DENIED

JASON POSTMA, CASE NO. 03-1732
Correctional Officer
Department of Corrections
ACTION: DENIED

MICHAEL PRATT, CASE NO. 03-2429
Correctional Officer
Department of Corrections
ACTION: DENIED

STEPHEN PUSKAR, CASE NO. 03-2265
Correctional Officer
Department of Corrections
ACTION: DENIED

PAUL QUALLS, CASE NO. 03-2607
Correctional Officer
Department of Corrections
ACTION: DENIED

NATHAN RODRIGUEZ, CASE NO. 03-2420
Correctional Officer
Department of Corrections
ACTION: DENIED

HELEN ROGERS, CASE NOS. 03-2414,
03-2415, 03-2416, 03-2417, 03-2446
Office Assistant, Office Technician
State Personnel Board
ACTION: DENIED

DAVID RUIZ, CASE NO. 03-2071
Correctional Officer
Department of Corrections
ACTION: DENIED

JUANITO SANTOS, CASE NO. 03-1798
Disability Insurance Program Representative
Department of Social Services
ACTION: DENIED

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS -
NONE

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- C. EXAMINATION APPEALS - NONE
MINIMUM QUALIFICATIONS - NONE
MERIT ISSUE COMPLAINTS - NONE
- D. RULE 212 OUT-OF-CLASS APPEALS - NONE
VOIDED APPOINTMENT APPEALS - NONE
RULE 211 APPEALS - NONE
- E. REQUEST TO FILE CHARGES CASES (RTFC)
PETITIONS FOR REHEARING CASES - NONE

On May 18, 2004, the Board adopted by majority vote (Elkins, Alvarado, and Tom) the following decisions presented by Laura Aguilera, Interim Director, State Personnel Board.

CAROL BARNES, CASE NO. 03-0280
Accounting Officer Specialist
State Controller's Office
ACTION: DENIED

CSEA, CASE NO. 031485G; GERRIE KEMP, CASE NO. 03-1640G2; DEBORAH LEVINSON, CASE NO. 03-1641G2; LINDA INOUE, CASE NO. 03-1628G; ANETA GLEN, CASE NO. 03-1629G2, TAHNDA BAILEY, CASE NO. 03-1630G2; SUSAN WOOLAM, CASE NO. 03-1631G2, EDWIN THOMPSON, CASE NO. 03-1632G2
Department of Water Resources
ACTION: DENIED AGAINST CHARLES WHITE AND GRANTED IN PART AGAINST MARK STUART AND CHARLES KEENE

PHILLIP CUTLER, CASE NO. 02-3962
Member of the Public
Board of Equalization
ACTION: DENIED

EDDIE LAU, CASE NO. 03-1778
Utilities Engineer
Public Utilities Commission
ACTION: DENIED

LEE MOORE, CASE NO. 02-2724
Correctional Lieutenant
Department of Corrections
ACTION: DENIED

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PRISON INDUSTRY AUTHORITY, CASE NO.02-2591

Former Employee

Prison Industry Authority

ACTION: DENIED

F. PSYCHOLOGICAL SCREENING CASES - NONE

16. NON-HEARING CALENDAR

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

- A. EDUCATION ADMINISTRATOR II, ASSOCIATE SUPERINTENDENT, ASSOCIATE PUBLIC INSTRUCTION FOR GENERAL EDUCATION, EDUCATION PROGRAMS ASSISTANT. The California Department of Education proposes the following revisions to the Education Programs Administration class series: abolish the class of Education Administrator II; re-title the Education Administrator I class to Education Administrator; revise the class series Minimum Qualifications; re-title the Associate Superintendent, CEA class to Deputy Superintendent, CEA; re-title the Associate Public Instruction for General Education, CEA to Assistant Superintendent of Public Instruction, CEA; revise the Alternative Range Criteria for the Education Programs Assistant.

ACTION: Retracted from agenda by State Personnel Board staff.
Not for Board consideration.

17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

- A. REQUESTS TO ESTABLISH NEW CEA POSITIONS
CURRENTLY UNDER CONSIDERATION

NONE

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO
ESTABLISH NEW CEA POSITIONS

(1) DEPUTY DIVISION CHIEF, FACILITIES DEVELOPMENT
DIVISION

The Office of Statewide Health Planning and Development's
request to establish the above position to the CEA category
has been approved effective April 23, 2004.

ACTION: Noted

19. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE

20. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY.

NONE

A D J O U R N M E N T

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC. Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).
NO ACTION
2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES). Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).
NO ACTION
3. TELEVISION SPECIALIST (SAFETY)
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003).
NO ACTION
4. PERSONAL SERVICES CONTRACTS NUMBERS 04-01 and 04-02
Appeal of the California State Employees association (CSEA) from the Executive Officer's November 20, 2003 denial of Jurisdiction over CSEA's Request to Review Contracts between the Department of Health Services (DHS) and Hubbbert Systems Consulting, Inc. and IBM Corporation.
NO ACTION
5. OFFICE OF THE INSPECTOR GENERAL
Resolution to abolish eligible lists created by the Office of the Inspector General and to void two appointments.
NO ACTION

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NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

May 18, 2004

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on

May 18, 2004.

VOTE: Elkins, Alvarado, Tom – Aye.

LAURA AGUILERA
Interim Executive Officer
California State Personnel Board

CORRECTION

On the May 5, 2004 Summary Minutes, page 5, the type of appeal and Board action shown for Kevin Frazier was typed incorrectly. The correct information is shown below:

KEVIN FRAZIER, CASE NO. 03-0736

Appeal from a one-step reduction in salary for six months

Correctional Officer

Department of Corrections

ACTION: The Board adopted the Administrative Law Judge's proposed decision revoking the reduction in salary.